

COPY OF PAPERS ORIGINALLY FILED Docket No. 19629-7006 UC 2001-072-2

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)): [X] Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Assistant Commissioner for Patents, Washington D.C. 20231. [] Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Name of Person Certifying: Dated: March Printed Name: Nancy Hine

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Rocke et al.

Assignee:

Regents of the University of

California

Filing Date:

September 19, 2001

Examiner:

Not Assigned

Serial No.: Title:

09/955,663

Group Art Unit: Not Assigned

Method for Determining Measurement Error for Gene Expression Microarrays

Assistant Commissioner for Patents

Washington, D.C. 20231

MAY 0 3 2002

TECH CENTER 1600/2900

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached Form PTO-1449 are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application.

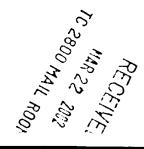
I. Timing of the Information Disclosure Statement:

This Information Disclosure Statement is filed:

With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
Within three months after the filing date of the application or within three i

months after the date of entry of the national stage of a PCT application as set forth in 37 C.F.R. § 1.491.

Before the mailing date of a first Office action on the merits. In the event, however, that an Office Action has crossed in the mail with this Information Disclosure Statement, no fee will be due if the certification is checked below. Otherwise, the Commissioner is hereby authorized to charge Deposit Account No. 50-1193 for any fees required pursuant to 37 C.F.R. §§ 1.17(p).



This Ir	nformation Disclosure Statement is filed:
	After the first Office Action and more than three months after the application's filing date; or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and the Commissioner is hereby authorized to charge Deposit Account No.[] for the fee (\$180) set forth in 37 C.F.R. § 1.17(p) and any additional required fees.
This Informat	tion Disclosure Statement is filed:
	After the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$180.00) set forth in 37 C.F.R. § 1.17(i)(1) and a certification as specified in 37 C.F.R. § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the Information Disclosure Statement.
The undersign	ned certifies that:
\boxtimes	Each item of information contained in the Information Disclosure Statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
	No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
II. Copies of	the Cited Items:
\boxtimes	Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
	Copies of only the following items listed on the attached Form PTO-1449 are enclosed:
	Copies of those items which are marked with an asterisk (*) in the attached Form PTO-1499 are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No, filed and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).

	\boxtimes	copies of those items which are marked with an asterisk (**) in the attached Form TO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.			
III. Co	ncise	Explanation of Relevance:			
[A concise explanation of relevance of the items listed on Form PTO-1449 is not given.			
	\boxtimes	A concise explanation of relevance of the items listed on Form PTO-1449 is in the			

form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the

IV. Conclusion:

Citation of the above documents shall not be construed as:

references (copy attached).

- 1. an admission that the documents are necessarily prior art with respect to the instant invention;
- 2. a representation that a search has been made, other than as described above; or
- an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1193 Docket No. 19629-7006 for any additional fees required in connection with the filing of this Information Disclosure Statement.

DATE: March 7, 2002

Respectfully submitted,

Michael J. Shuster

Registration No.: 41,310

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FORM I	PTO-1449	(Modified [6-1])		ATTY. DOCKET NO.	SERI	AL NO.			
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT(S)' INFORMATION DESCRIPTIONS FOR APPLICANT(S)' INFORMATION DESCRIPTIONS FOR APPLICANT(S)' INFORMATION DESCRIPTIONS FOR APPLICANT STATEMENT (Use several sheets if necessary) [2] MAR 1 8 2002				19629-7006 COPY OF PAPERS ORIGINALLY FILED INVENTOR Rocke et al. FILING DATE GROUP ART FAIT					
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REFERI	ENCE DE	ESIGNATION	U.S. PATENT D	OCUMENTS			0	۶	
EXAM'R INITIAL		DOCUMENT NUMBER	DATE	NAME	Class	Subclass	Filing D		
	A1**	4,875,169	Oct. 17, 1989	Synovec et al.					
	A2**	6,263,287 B1	Jul. 17, 2001	Zheng, et al.					
			FOREIGN PATENT	DOCUMENTS					
EXAM'R INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	Subclass		SLAT'N	
	<u> </u>						yes	no	
	1	OTHER ART	[(Include Author, Titl	e, Date, Pertinent Pages, <i>et</i>	c.)		<u> </u>		
	C1** International Search Report, mailed February 13, 2002, Corresponding PCT US01/29268								
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DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant(s).